IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4249 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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YESHA ELECTRICALS PVT LTD

Versus

STATE OF GUJARAT

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Appearance:

MR NK MAJMUDAR for Petitioner

MR LR POOJARI, AGP. for Respondent No. 1, 2

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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 09/05/2000

ORAL JUDGEMENT

This petition under Article 226 of the Constitution of India is directed against the order dated 15.05.1996 passed by the Government rejecting the petitioner's application for exemption under section 20

of the Urban Land (Ceiling and Regulation) Act,1976. The petitioner has filed a further affidavit stating that the land in question is still in their possession and no further proceedings have been taken under the Act and no Notification under section 10 of the Act, has been issued. No reply has been filed to this affidavit. On the contrary, the learned Assistant Government Pleader Mr.L.R.Poojari today produces a copy of the letter addressed by the Competent Authority to the Government intimating that the land in question does not appear in the list of lands which have been declared surplus or possession of which has been taken by the Government. In the circumstances, there is no reason to disbelieve the averments made on oath by the petitioner that no further proceedings were taken under the Act and no Notification under section 10 of the Act was issued and that the petitioner is still in possession of the land. Since possession of the land has not been taken by the Government, the proceedings relating to the order made under the Act abate in view of the provisions of section 4 of the Urban Land (Ceiling and Regulation) Repeal Act,1999. The petition therefore does not survive and is disposed of accordingly. Rule discharged. No order as to costs.

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m.m.bhatt